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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,956	11/21/2001	Roland Pollak	03630-P0026A	9153

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EXAMINER

PRONE, JASON D

ART UNIT PAPER NUMBER

3724

DATE MAILED: 10/09/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/988,956

Applicant(s)

POLLAKE, ROLAND

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 5 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 & 6. 6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 7 lines 11-12, the word "kni-fe" cannot be split with a hyphen and should be replaced with "knife". Also, on page 12 line 7, the phrase "The holes 56, 58" should be replaced with "The holes 56, 60".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claims 1 and 3, the phrases "for clamping the working element between said main body and said mounting plate" of claim 1 and "for clamping said working element between said holder and said securing elements" are unclear. It is uncertain if the working element is clamped between the holder/main body and the mounting plate or between the holder/main body and the securing elements.

In regards to claim 3, the phrase "the holding sections are configured as holes" does not further limit claim 1 but restates what is already disclosed on lines 4-5 of claim

- 1.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthai et al.

Matthai et al. discloses the same invention including a working element (9) having at least two holding sections (110) arranged spaced apart (Fig. 3), a plurality of securing elements (70 and 71), a holder (12) having a mounting opening at a first end for attaching to a drive shaft (15) and a receiving section having (30) at a second end for receiving the working element (Fig. 5), that the receiving section has a plurality of openings for holding the securing elements (Fig. 10), that the working element has at least one working section (92), and that the two holding sections are oblong holes opening outwardly toward an end of the working element opposite the working section (110).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden. DE 29916113 discloses the invention including a

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working element (6) having a working section at one end (3) and at least two flat holding sections at the other end (Fig. 2), that the holding sections are oblong holes arranged spaced apart from each other extending toward the other end and opening thereto (Fig. 2), a holder comprising a main body (4) and a mounting plate releasably attached to the main body (Fig. 1), that the holder has a mounting opening at one end for attaching to a drive shaft (1) and a receiving section at the other end for receiving the working element (4), and a securing element engaging the holding sections releasably for clamping the working element between the main body and the mounting plate (Fig. 2) but fails to disclose a plurality of securing elements, that the holder comprises threaded sections, and that the securing elements are screws for engaging the treaded sections to clamp the working element in-between the mounting plate and the holder. Farden teaches a plurality of securing elements (7), that the holder comprises threaded sections (Fig. 1), and that the securing elements are screws for engaging the treaded sections to clamp the working element in-between the mounting plate and the holder (7). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided DE 29916113 with the screws and threaded sections, as taught by Farden, to provide a stronger clamping element to better hold a saw blade.

8. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden as applied to claims 1 and 8 above, and further in view of Matthai et al. DE 29916113 and Farden disclose the invention but fail to disclose a strain washer and a clamping screw extending through the mounting opening for engaging the drive shaft to the holder with the strain washer against the drive shaft.

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Matthai et al. teaches a strain washer (63) and a clamping screw extending through the mounting opening for engaging the drive shaft to the holder with the strain washer against the drive shaft (35). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided DE 29916113 in view of Farden with a strain washer and clamping screw, as taught by Matthai et al., to provide a stronger connection between the holder, mounting plate, and blade to the drive shaft.

9. Claims 4, 6, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 29916113 in view of Farden as applied to claims 1 and 8 above, and further in view of Yeargin. DE 29916113 and Farden disclose the invention but fail to disclose that the main body is made of injection-molded plastic and is reinforced with a metal core. Yeargin teaches a blade holder/main body that is made of injection-molded plastic and is reinforced with a metal core (Abstract).

Allowable Subject Matter

10. Claims 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Winter, Rhodes, Mattchen, Arnegger ('121), Mongeon, Iskiw et al., Arnegger ('742), Wittek, Mezger et al. ('478), Harsch et al., Evans et al., Mezger et al. (805), Goris, Peterson et al., Raitt et al., Klinzing et al., and Cripe.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287.

The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP
September 30, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700